

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS McCULLUM,

Plaintiff,

VS.

COMMISSIONER MARTIN HORN, Pennsylvania Department of Corrections; **CONNOR BLAINE**, Superintendent of the State Correctional Institution at Greene; and **JOSEPH P. MAZURKIEWICZ**, Superintendent of the State Correctional Institution at Rockview,

Defendants.

2:00cv83

Electronic Filing

ORDER OF COURT

AND NOW, this 17th day of April, 2006, considering that these proceedings have been stayed and held in civil suspense since **February 2, 2001**, pending the disposition Thomas McCullum's Petition and Supplemental Petition for Habeas Corpus and Post-Conviction Relief by courts of the Commonwealth of Pennsylvania, and because the exhaustion of such state remedies does not appear to be imminent,

IT IS HEREBY ORDERED that the Clerk of Court mark this action **CLOSED** without prejudice to the reopening of the case upon petition by Thomas McCullum subsequent to the exhaustion of the remedies available to him with the Commonwealth of Pennsylvania.

s/ David Stewart Cercone

David Stewart Cercone

United States District Judge

cc: Christina Swarns, Esq.
James J. McHugh, Jr., Esq.
Defender Association of Philadelphia
Independence Square West
Suite 545 West - The Curtis Center
Philadelphia, PA 19106-2414

Rebecca D. Spangler, Esq.
Office of the District Attorney
Post Conviction/Habeas Corpus
401 Allegheny County Courthouse
Pittsburgh, PA 15219